

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 18-00293-16-CR-W-DGK
	)	
PHILLIP HOYT,	)	
	)	
Defendant.	)	

**WAIVER OF APPEARANCE AT AUGUST 19, 2022**  
**STATUS CONFERENCE**

Comes Now, Arimeta DuPree, on behalf of Mr. Hoyt, and respectfully requests this Court waive Mr. Hoyt's appearance at the August 19, 2022 Status Conference pursuant to Rule 43(b)(3). In support of this request, counsel states the following:

1. Mr. Hoyt was charged by way of Third Superseding Indictment with conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and(b)(1)(B), conspiracy to commit money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i),(B)(i),(ii) and (h), and felon possess firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), plus a criminal forfeiture count. (DCD 261).
2. On December 23, 2020, the Court granted Mr. Hoyt's motion to return to State's custody, specifically Moberly Correctional Center. (DCD 394).

### **Argument**

Rule 43(b)(3) of the Federal Rules of Criminal Procedure states, in pertinent part, “A defendant need not be present under any of the following circumstances: The proceeding involves only a conference[.]” In this matter, Mr. Hoyt is scheduled for a status conference on August 19, 2022, at 9:00 a.m. Mr. Hoyt is currently in the custody of the State of Missouri, at Moberly Correctional Center. Therefore, he is unable to attend the August 19, 2022 status conference. Furthermore, Rule 43(b)(3) allows for Mr. Hoyt’s non-appearance because the hearing is a conference.

### **Conclusion**

Wherefore, counsel for Mr. Hoyt prays this Court waive Mr. Hoyt’s appearance pursuant to Rule 43(b)(3) of the Federal Rules of Criminal Procedure and any other relief this Court deems fair and just.

Respectfully Submitted,  
/s/ Arimeta R. DuPree  
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ATTORNEY FOR DEFENDANT

### **Certificate of Service**

I hereby certify that on August 11, 2022, a copy of the foregoing was electronically filed to the CM\_ECF system of the United State District for the Western District of Missouri.

/s/ Arimeta R. DuPree  
ARIMETA R. DUPREE